

**GEOLOGIST SECTION
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
MINUTES
SEPTEMBER 9, 2004**

PRESENT: Thomas Evans, David Mickelson, and Joan Underwood (via telephone)

STAFF PRESENT: Jerry Lowrie, Bureau Director; William Black, Legal Counsel; Darwin Tichenor, Exam Specialist; and Pat Schenck, Program Assistant

CALL TO ORDER

David Mickelson, Vice Chair, called the meeting to order at 9:00 a.m. A quorum of three members was present.

AGENDA

MOTION: David Mickelson moved, seconded by Joan Underwood, to approve the agenda as published. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2004

MOTION: Joan Underwood moved, seconded by David Mickelson, to nominate Thomas Evans as Chair. Motion carried unanimously.

MOTION: David Mickelson moved, seconded by Thomas Evans, to nominate Joan Underwood as Vice Chair. Motion carried unanimously.

MOTION: Thomas Evans moved, seconded by Joan Underwood, to nominate David Mickelson as Secretary. Motion carried unanimously.

APPOINT REPRESENTATIVES FOR SCREENING PANEL

MOTION: Joan Underwood moved, seconded by David Mickelson, to nominate Thomas Evans as the screening panel member. Motion carried unanimously.

APPROVAL OF MINUTES SEPTEMBER 17, 2003

MOTION: Thomas Evans moved, seconded by Joan Underwood, to approve the minutes of September 17, 2003 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR**

Section Roster

Noted.

2005 Section/Board Meeting Dates

Noted.

Summary Reports on Pending Court Cases, Disciplinary Cases, and Administrative Rules and Press Release of Disciplinary Orders

Noted.

Regulatory Digest Newsletter

Mr. Lowrie reported that the Department is not mailing printed newsletters to individual credential holders and that the newsletters will be available on the Department's website. The Section suggested articles relating to practice issues as a licensee and looking to other states for ideas.

Change to Blue Renewal License and Temporary Licenses

On April 1, 2004, the blue renewal license form and the temporary license form changed to be the bottom third of a full-size sheet of paper. It has horizontal and vertical perforations to remove it from the rest of the sheet. While the sizing will be a bit different for the bigger part of the license, it will be quite close in shape to what we currently have and the wallet card will be the same size. Advantages are:

1. licenses can be printed from regular laser printers;
2. several security features in the paper the Department is purchasing, including the watermark on the back and some invisible fibers;
3. ability to print one mailing address at the top of the form and a different physical address on the actual license (This is great for establishments that cannot receive mail at the actual location); and
4. additional sequence numbering allowed above the mailing address, which will help in the machine inserting process at DOA at renewal time.

Changes to Administrative Rule-Making Procedures – 2003 WI Act 118

Mr. Lowrie reported on the new "Changes to Administrative Rule-Making Procedures Required in 2003 Wisconsin Act 118." These changes will require more research regarding rule-making procedures. Some changes include private sector fiscal estimates, additions to scope statements, additions to draft rule reports and additions to legislative reports.

TRAVEL

Report on ASBOG 2003 Annual Meeting, Jacksonville, FL – October 28 to November 2, 2003 – Joan Underwood.

Joan Underwood reported on the ASBOG 2003 Annual Meeting she attended in Jacksonville, FL on October 28 to November 2, 2003. Activities included workshops and meetings of the ASBOG Executive Committee and the ASBOG annual business meeting.

Task Analysis Study

ASBOG is initiating the next Task Analysis, which is planned to be sent out to randomly selected registrants of ASBOG member boards during 2005. The Task Analysis is used to determine what areas of practice are being carried out and how much time is being spent performing specific activities by geologic practitioners across the U.S. These results are then tabulated and the ASBOG exams then redesigned to reflect these activities and percentages in question area domains

ASBOG 2004 Annual Meeting Boise Idaho, November 1-7, 2004

MOTION: David Mickelson moved, seconded by Thomas Evans, to nominate Joan Underwood as Wisconsin's delegate to attend ASBOG 2004 Annual Meeting in Boise, Idaho on November 1-7, 2004. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

RL 4.07 Cheating on Examination – Re-examination

Mr. Lowrie reported on the Department's universal cheating policy. The new RL 4 rule will create consistency and efficiency regarding discipline. Mr. Lowrie asked for the Board member's comments regarding the Department's new cheating rule. Boards may use their discretion regarding discipline

Emergency Rule-Criminal Background Checks

Mr. Lowrie reported that the emergency rule is in response to federal public law, which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule making by the Department to conduct investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require that a credential holder is photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

INTER-AGENCY LIAISON COMMITTEE DISCUSSION

Mr. Lowrie reported that Deputy Sandra Rowe is planning on meeting with other state agencies. The Section discussed having uniformity and competency among the professionals practicing in this profession. DNR does not require professional geologists to be credentialed with the Department of Regulation of Licensing. Other agencies are reluctant to change their statutes and administrative code to match the Department of Regulation and Licensing, which requires credentialing in order to practice as a Professional Geologist in Wisconsin.

PETROLEUM ENVIRONMENTAL CLEANUP FUND ACT (PECFA) DISCUSSION

Proposed PECFA Rules Changes

Mr. Black reported on the proposed rules from Commerce relating to Petroleum Environmental Cleanup Fund awards and associated credentials. Mr. Lowrie will contact Oscar Herrera to change the wording under Section 6 Comm 5.80(2)(c) to Wisconsin-licensed PECFA consultant.

EXAMINATION ISSUES

Results of March 2004 Examination – Darwin Tichenor

Mr. Tichenor reported on the March 2004 Geology Examination results of the Fundamentals of Geology and the Practice of Geology examination. Eight Wisconsin candidates took the March 2004 Fundamentals of Geology Examination and 7 took the Practice of Geology examination. Wisconsin pass rates remain above the national average. Cooperative Personnel Services administered the examinations on March 5, 2004 at the Department.

Geological Engineer Exam – State of Arizona – Information Only

Information only.

UNAUTHORIZED PRACTICE OF LAW-UPDATE

Mr. Black reported that the Supreme Court is readdressing the unauthorized practice of law issue in October. The Supreme Court Chief Justice had requested that staff come up with a solution that is agreeable to all parties.

**SECTION MEMBER ACTIVITY
PRACTICE ISSUES
MISCELLANEOUS CORRESPONDENCE/INFORMATION
NEW BUSINESS
PRESENTATION OF STIPULATIONS SUBMITTED AFTER PRINTING OF AGENDA**

None.

CLOSED SESSION

MOTION: Thomas Evans moved, seconded by Joan Underwood, to convene to Closed Session to deliberate on cases following a hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g). Motion carried by role call vote: Thomas Evans-yes, David Mickelson-yes, and Joan Underwood-yes.

Convene to Closed Session at 10:25 p.m.

RECONVENE TO OPEN SESSION

MOTION: Thomas Evans moved, seconded by Joan Underwood, to reconvene into Open Session at 10:50 a.m. p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF
VOTING IS APPROPRIATE**

**MONITORING REPORT
CASE CLOSINGS
STIPULATIONS
ADMINISTRATIVE WARNINGS**

None.

PENDING APPLICATION

LAURA R SCHEID

MOTION: Thomas Evans moved, seconded by Joan Underwood, to approve Laura R. Scheid for a Professional Geologist license by comity. Motion carried unanimously.

**REINSTATEMENT REQUEST
JOSEPH MANDUKE**

MOTION: Joan Underwood moved, seconded by David Mickelson, to approve Joseph Manduke request for reinstatement as a Professional Geologist. Thomas Evans voted no. Motion carried.

**EXAMINATION ISSUES
SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

ADJOURNMENT

MOTION: Thomas Evans moved, seconded by Joan Underwood, to adjourn the meeting at 10:56 a.m. Motion carried unanimously.

Next Section Meeting- February 17, 2005